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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,761	12/12/2001	Mark A. Wolfe	307	4084

29757 7590 10/30/2003

MARK A. WOLFE  
1076 TAMBERWOOD COURT  
WOODBURY, MN 55125

EXAMINER
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GECKIL, MEHMET B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,761

Applicant(s)

WOLFE, MARK A.

Examiner

Mehmet B. Geckil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claims 6-7 are presented for examination.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 6-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, and 1-50 of U.S. Patent No. 6,006,252, and 6,336,131. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference in scope is not substantial enough therefore it would have been obvious for one of ordinary skill in the networking art to bridge what was taught before and what is disclosed in the present application

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al.

6. Angles et al (5,933,811) taught the invention substantially as claimed including a system for displaying supplemental information or advertisements within a web browser application interface on the display screen of a client computer wherein the web browser interface comprised of a primary web browser area for displaying an electronic document or page or resource (32) received from a content provider's first (50, col 12 line 36 et seq) web server (col 8 line 34 et seq, col 10 line 46 et seq, ) and a secondary area (56, "advertising area", col 12 line 51 et seq ) wherein the secondary area is called as an "insert" and "a place-holder" by Angles et al, wherein, when the electronic page is displayed on the browser a command is automatically sent to a third advertisement provider server (18,62) so that supplemental information or the advertisement relating to the first electronic document or resource can be determined and downloaded and inserted and displayed in the secondary area that is integrated into the web browser application window (col 13 line 1 et seq, col 14 line 60 et seq.) The supplemental information or the advertisement displayed on the secondary area included hyper-links to other documents at another content provider computer or web server (col 15 line 43 et seq, col 18 line 44 et seq, col 20 line 4 et seq) and when the links are selected the browser is directed to download (col 15 line 52 et seq) and display that document in the primary web browser area and then the third advertisement server is automatically referenced for the relative advertisement for that document

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and is downloaded and displayed in the secondary area. And this process of accessing to the advertisement server for the information to be displayed in the secondary area was accomplished automatically via the html tag command on the electronic document (32) loaded to the primary web browser area (col 13 line 2 et seq, col 18 line 44 et seq) and accomplished for all the electronic documents loaded on the primary web browser area. Above description of the claim language is advanced by Angles et al on column 23, line 15 et seq by teaching that a plug-in downloaded from the content provider computer was creating separate window which can display customized advertisements on the consumer computer. This is a substantial teaching going into the heart of the claimed invention because that is what the applicant all along argued that his invention was all about separate window and not an insert to the web page and new claims 6-7 actually claim this feature. As far as ecommerce features of the claims are concerned, e.g., merchant, competitive information display and all of that are just obvious variations of the well known features of the Angles et al teachings. For example, Angles et al taught displaying customized advertisement in the downloaded plug-in created separate window. As is well known in the "customized" has a meaning of adapting to the needs of the advertiser, e.g., if the advertiser wants to display advertisement regarding to one of their competitors, the created window would be called the competitive information display and the advertiser would be called the merchant or the like. Examiner cannot find anything new in this set of claims other than the claims already issued in the previous patents just by a few new name changes like merchant and the like.

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7. It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Angles et al only by a degree, e.g., the claimed the first resource is no longer displayed on the screen feature but this is no more than a difference in a degree because it is well known to split the web browser display area or window into various parts via the frames. Netscape Browser version 2 released in 1995 provided this functionality. It is also well known that the information displayed on the frame area, e.g., the display of supplemental information for the first resource is discontinued when the next data is fetched in the same frame area for a different resource, i.e. the first resource is no longer displayed on the screen. Other claimed elements are all obvious variations of the well known features of the networking art, e.g., using hard disk as a storage medium or the like. Also, displaying menu information in the frame environment is well known and menu information includes various types of menu items for a variety of reasons for making a selection from the menu items.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor David Wiley, can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450

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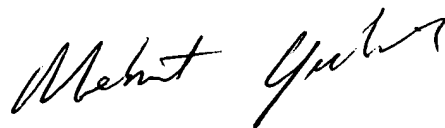
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

10/24/03

A handwritten signature in black ink, appearing to read "Mehmet Geckil". The signature is written in a cursive, flowing style.

MEHMET B. GECKIL  
PRIMARY EXAMINER